

IN THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT
WINCHESTER, TENNESSEE

FILED

ROXANNE CRABTREE,

Plaintiff,

v.

GRUNDY COUNTY, TENNESSEE,
ROBERT MEEKS, individually and
in his capacity as Sheriff of Grundy
County, Tennessee, TRESSIE BOYD,
individually and in her capacity as
a Deputy Sheriff of Grundy County,
Tennessee, CHRISTOPHER BOYD,
individually and in his capacity as a
Policeman for the Tracy City Police
Department, HAROLD LEAKER, JR.,
individually and in his capacity as a
Deputy Sheriff for Grundy County,
Tennessee,

Defendants.

2004 SEP 10 A 11:24

U.S. DISTRICT COURT
EASTERN DIST. TENN.
Case No. 4:03-CV-108
DEP. CLERK

ANSWER OF HAROLD LEAKER, JR.

Defendant Duane Leaker, improperly named as Harold Leaker, Jr., by and through counsel, and for answer to the Complaint filed against him in this cause of action say as follows:

FIRST DEFENSE

Plaintiff fails to state a claim upon which relief may be granted against this Defendant.

SECOND DEFENSE

This Defendant alleges and contends that one or more of the Defendants, individually or corporately, may be entitled to the protection of both sovran immunity and/or qualified immunity.

THIRD DEFENSE

Responding to the specific allegations in the Plaintiff's Complaint, this Defendant responds as follows:

PRELIMINARY STATEMENT

Defendant denies that Plaintiff has a cause of action pursuant to 42 U.S.C. Section 1983 or sounding in state law negligence against this Defendant.

JURISDICTION AND VENUE

1. This Defendant admits this Court has jurisdiction over the claims stated, but denies that Plaintiff has stated a cause of action which would give rise to liability by this Defendant.

2. The jurisdiction of the Court is admitted, although again this Defendant denies Plaintiff has a cause of action.

3. This Defendant admits the Court has jurisdiction over the Plaintiff's state law claims, but denies that Plaintiff has stated a claim for any such claims against this Defendant.

4. Admitted.

5. Denied.

PARTIES

6. Admitted.

7. Regarding the allegations of Paragraph 7 regarding the Defendant Grundy County, Tennessee and Robert Meeks, as Sheriff of Grundy, Tennessee and the individual Defendants, said allegations are admitted. This Defendant is without sufficient information or knowledge to admit or deny the allegations stated against Christopher Boyd.

8. Paragraph 8 is denied, as stated.

9. Paragraph 9 is admitted.

10. Paragraph 10 is admitted.

FACTUAL ALLEGATIONS

11. This Defendant is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 11 of the Complaint and therefore denies same.

12. This Defendant is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 12 of the Complaint and therefore denies same.

13. This Defendant is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 13 of the Complaint and therefore denies same.

14. Denied.

STATE LAW CLAIMS

15. Paragraph 15 of the Complaint is denied.

16. Paragraph 16 of the Complaint is denied.

DAMAGES

17. This Defendant is without sufficient knowledge or information to form a belief as to the allegations stated in Paragraph 17 of the Complaint and therefore said allegations are denied.

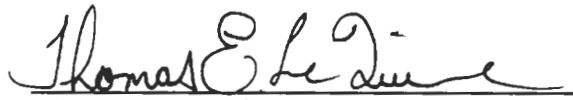
18. Paragraph 18 of the Complaint is denied.

Any allegations not heretofore admitted or denied are hereby denied and strict proof thereof is demanded.

WHEREFORE, having fully answered, this Defendant prays that the claims against him be dismissed.

Respectfully submitted,

SPICER, FLYNN & RUDSTROM, PLLC

BY: 
Thomas E. LeQuire BPR #6875
Attorney for Defendants
735 Broad Street, Suite 407
Chattanooga, TN 37402
423/756-0262

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing pleading was mailed to:

H. Thomas Parsons, Esq.
PARSON & NICHOLS
101 W. Main Street
Manchester, TN 37355

by placing it in the United States Mail with sufficient postage thereto to carry it to its destination.

This 10TH day of SEPT., 2004.

SPICER, FLYNN & RUDSTROM, PLLC

BY: Thomas E. LeQuire
Thomas E. LeQuire

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